UNITED NATIONS

General Assembly

FORTY-SEVENTH SESSION

Official Records

THIRD COMMITTEE
52nd meeting
held on
Tuesday, 1 December 1992
at 3 p.m.
New York

SUMMARY RECORD OF THE 52nd MEETING

Chairman:	Mr. KRENKEL	(Austria)
later:	Mr. DEKANY (Vice-Chairman)	(Hungary)
later:	Mr. KRENKEL	(Austria)

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91-58089 6521S (E)

Distr. GENERAL
A/C.3/47/SR.52
17 December 1992
ENGLISH
ORIGINAL: FRENCH

The meeting was called to order at 3.20 p.m.

AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (A/47/3, A/47/184-E/1992/44, A/47/445; A/C.3/47/13)

1. The CHAIRMAN invited the Committee to begin its consideration of agenda item 12. Since no delegation wished to make a statement, he said that the Committee would consider the draft decision of the Chairman on the report of the Economic and Social Council and probably turn its attention to a draft resolution on non-governmental organizations. He also suggested that there should be no discussions on the issue.

2. It was so decided.

AGENDA ITEM 97: HUMAN RIGHTS QUESTIONS (continued) (A/47/60-S/23329, A/47/67, A/47/82-S/23512, A/47/84-S/23520, A/47/88-S/23563, A/47/89-S/23576, A/47/91-S/23585, A/47/122-S/23716, A/47/126, A/47/172, A/47/175, A/47/180, A/47/204-S/23887 and Corr.1, A/47/225-S/23998, A/47/256-S/24061, A/47/267, A/47/268, A/47/280, A/47/290-S/24204, A/47/296, A/47/335-S/24306, A/47/343, A/47/351-S/24357, A/47/356-S/24367, A/47/361-S/24370, A/47/366, A/47/392-S/24461, A/47/465, A/47/476, A/47/527-S/24660, A/47/569, A/47/671-S/24814, A/47/709-S/24837, A/47/712-S/24844; A/C.3/47/2, A/C.3/47/5, A/C.3/47/7, A/C.3/47/10)

(a) IMPLEMENTATION OF HUMAN RIGHTS INSTRUMENTS (continued) (A/47/40, A/47/41, A/47/44, A/47/427, A/47/428, A/47/429, A/47/518, A/47/628, A/47/632, A/47/662, A/47/667)

Draft resolution A/C.3/47/L.42

3. The CHAIRMAN reminded delegations that in addition to the sponsors listed in the document Italy had been announced as a sponsor when draft resolution A/C.3/47/L.42, entitled "Effective implementation of international instruments on human rights", had been introduced. Also, the representative of Canada had orally revised the draft resolution by deleting the words "in the light of the deliberations of the Commission on Human Rights, under the item entitled 'Human rights questions'" from paragraph 12. Samoa had later become a sponsor of the draft resolution. The programme budget implications of draft resolution A/C.3/47/L.42 were contained in document A/C.3/47/L.46.

4. Draft resolution A/C.3/47/L.42, as orally revised, was adopted without a vote.

5. Mr. AIZAWA (Japan) said that his delegation had joined in the adoption without a vote of draft resolution A/C.3/47/L.42. However, as he had previously noted, his delegation had reservations with regard to the financial implications of that draft resolution. It also had similar reservations with respect to draft resolution A/C.3/47/L.44, adopted on 25 November 1992.

Draft resolution A/C.3/47/L.43

6. The CHAIRMAN said that in addition to the sponsors listed in the documents, the following countries had been announced as sponsors when draft resolution A/C.3/47/L.43, entitled "Implementation of the Convention on the Rights of the Child" had been introduced: Austria, Bangladesh, Barbados, Benin, Burkina Faso, China, Costa Rica, Cuba, Cyprus, Egypt, Estonia, Gambia, Germany, Greece, Italy, Kenya, Lithuania, New Zealand, Nicaragua, Nigeria, Philippines, Poland, Russian Federation, Rwanda, Samoa, Sierra Leone, Spain, Sri Lanka, Sudan, Thailand, Tunisia, Ukraine and Venezuela. The following countries had also become sponsors of the draft resolution: Ecuador, Ethiopia, Cape Verde, Central African Republic, Latvia, Mongolia, Niger, Pakistan, Sierra Leone and Yemen. The programme budget implications of draft resolution A/C.3/47/L.43 were contained in document A/C.3/47/L.47.

7. Draft resolution A/C.3/47/L.43 was adopted without a vote.

8. The CHAIRMAN said that the Committee had thus concluded its consideration of agenda item 97 (a).

(b) HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (continued) (A/47/24 and Add.1, A/47/353, A/47/434, A/47/445, A/47/479, A/47/501, A/47/502, A/47/503, A/47/504, A/47/552, A/47/626, A/47/630, A/47/668, A/47/701, A/47/702; A/C.3/47/L.49)

(c) HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES (continued) (A/47/367 and Add.1, A/47/418-S/24516, A/47/596, A/47/617, A/47/621, A/47/625, A/47/635-S/24766, A/47/651, A/47/656, A/47/666-S/24809, A/47/676; A/C.3/47/L.48)

AGENDA ITEM 149: THE SITUATION OF HUMAN RIGHTS IN ESTONIA AND LATVIA (continued) (A/47/247; A/C.3/47/9)

9. Ms. ENKHTSETSEG (Mongolia) noting that one of the fundamental purposes of the United Nations was "to achieve international cooperation ... in promoting and encouraging respect for human rights and for fundamental freedoms for all", said that if the General Assembly adopted at its forty-seventh session the draft declaration on the protection of all persons from enforced disappearances and the draft declaration on the rights of persons belonging to national, ethnic, religious and linguistic minorities, they would enrich the United Nations arsenal of human rights standards. However, those instruments could prove their effectiveness only if they were adequately implemented at the national and international levels. In that respect, her delegation shared the view that the World Conference on Human Rights would provide the opportunity to assess the results accomplished in the field of human rights and identify the remaining obstacles.

(Ms. Enkhtsetseg, Mongolia)

10. The interdependence between development and human rights was increasingly being recognized. The right to development should not be viewed as a substitute for already recognized rights, but rather as an instrument for enhancing existing rights. That was why her delegation felt that the Declaration on the Right to Development was a key instrument in the field of human rights and wished to emphasize the importance of the proposals and recommendations for action contained in document E/CN.4/1992/10.

11. The main obstacles to the implementation of the Declaration on the Right to Development included the external debt, trade imbalances and poverty. In that regard, the adoption of an "agenda for development", in addition to the Agenda for Peace proposed by the Secretary-General, would greatly contribute to the realization of the right to development.

12. Member States bore the primary responsibility for ensuring and guaranteeing human rights. Efforts were under way in Mongolia to improve national legislation and bring it into line with the relevant universally recognized international standards. Respect for human rights was one of the distinctive features of the recently enacted Constitution of Mongolia. Moreover, Mongolia, which was a party to the major international human rights instruments, had recently acceded to the Optional Protocol to the International Covenant on Civil and Political Rights.

13. In autumn 1991, Mongolia had organized, in collaboration with the Centre for Human Rights, a training course on international human rights standards and national legislation. It wished to further develop its cooperation with the Centre and felt that the Centre should be provided with the additional human and financial resources it required to fulfil its objectives.

14. Mr. ARRIA (Venezuela) noted that two years after the proclamation of the human rights decade, the human rights situation had worsened considerably. The international community had been caught unawares by the senseless violence that characterized conflicts, and by their heavy connotation of ethnic and religious intolerance. Public opinion was also worried about the extent of xenophobic demonstrations in Europe. Those phenomena were creating tensions and threatening international peace and security; all States, individually or collectively, must urgently take vigorous measures to stop them. Moreover, human rights constituted a whole, covering not only civil and political rights, but also economic, social and cultural rights. Although the question of respect for human rights was not primarily part of its mandate, the Security Council had endeavoured to deal with the most flagrant violations of human rights because experience had shown that such violations were closely linked to situations in which international peace and security were threatened. Although the Security Council's action in that area had generally been ineffective and come too late, he wondered which other United Nations body could have reacted with the required speed. It had to be admitted that the international community did not have appropriate mechanisms for rapid and effective intervention: whenever a crisis arose, the United Nations had to

(Mr. Arria, Venezuela)

negotiate on the sending of a special rapporteur and to wait for the Commission on Human Rights to meet to consider the rapporteur's report.

15. His delegation therefore welcomed the initiative taken by the Commission on Human Rights to convene special sessions, as in the case of the former Yugoslavia, and hoped that that process would pave the way for the review of human rights monitoring mechanisms to be undertaken at the World Conference on Human Rights. The prestige and credibility of the United Nations, human rights instruments and human rights monitoring mechanisms were being severely tested by the extent of human rights violations in the world. The Conference on Human Rights and its regional preparatory meetings provided an extraordinary opportunity for considering the situation and adopting specific measures in that area. It was high time that new institutional and other mechanisms were designed that were better adapted to the realities of the modern world. In that regard, Amnesty International had recently proposed the establishment, within the United Nations system, of an adequately staffed and funded high commission for human rights.

16. In 1991, his delegation's statement had been dedicated to the cause of the Haitian people, maltreated and terrorized by an armed gang of civilians and soldiers who had overthrown the legitimate President, Jean-Bertrand Aristide, and held up to ridicule the international community, as represented by the Organization of American States and the United Nations, which had overseen the organization of free and fair elections. Preferring to run the risk of perishing at sea rather than living under the yoke of usurpers who violated the most fundamental human rights, Haitians had been fleeing in droves from their country. The interim report submitted by the Special Rapporteur appointed by the Commission on Human Rights gave a detailed account of the dire economic and political situation of the country, in particular, the persecution and indiscriminate repression of the Haitian people. In that regard, Venezuela hoped that the draft resolution on the human rights situation in Haiti which it had submitted to the Committee (A/C.3/47/L.73) would be adopted by consensus.

17. World opinion was also upset by two other cases of massive human rights violations: the situation in Somalia and the situation in the former Yugoslavia, particularly in Bosnia and Herzegovina. In Somalia, armed bands led by a few local warlords were perpetrating massive human rights violations and had wrecked the entire government structure. It had thus become impossible to deliver the humanitarian assistance that Somalia's poverty-stricken and sick population needed. As a result of the caution of the United Nations in its negotiations aimed at securing the authorization of the parties to the conflict, the process of deploying peace-keeping forces was nearly a year behind schedule. The only authority that those warlords wielded stemmed from their possession of fire arms and their sole claim to legitimacy flowed from the process of consultation set in motion by the United Nations. If the Organization did not demonstrate that it was capable of intervening

(Mr. Arria, Venezuela)

rapidly and vigorously in Somalia, the world would have few illusions about its ability to carry out humanitarian activities in connection with other conflicts.

18. He deplored the fact that recourse to Chapter VII of the Charter of the United Nations had not prevented the tragedy currently unfolding in Bosnia and Herzegovina. The special sessions of the Commission on Human Rights and the work of the impartial Commission of Experts set up by the Security Council [resolution 780 (1992)] would make it possible to assess the extent of that tragedy. The international community would then be obliged to take measures to ensure that similar situations would not occur again in the future. It was not enough to condemn criminal acts in a resolution; more forceful measures must be taken, for instance establishing an international criminal court to make an example of those responsible for such acts.

19. The tragic repercussions of crises and conflicts on the lives of people should encourage the international community to adopt creative policies and vigorous measures in the economic, social and humanitarian spheres. On the eve of the World Conference on Human Rights, the international community should imagine the world that it wanted to bequeath to future generations and work in a spirit of collective responsibility towards making such a world a reality.

20. Mrs. AL-HAMAMI (Yemen) said that, with the emergence of the new world order, the international community had entered a trasition phase characterized by the spread of democratic ideas and concern for the protection of human rights and, in particular, by the search for new ways of improving the effective enjoyment of those rights and fundamental freedoms. In order to achieve that vital aim due consideration must be given on the one hand, to all the elements which must be taken into account when addressing development-related social problems and, on the other, to the principles established in the Charter of the United Nations and in the Universal Declaration of Human Rights and the provisions of international law relating to national sovereignty and non-interferance in the internal affairs of States.

21. Her Government therefore welcomed the convening, in 1993, of the World Conference on Human Rights, which should address that question in all its aspects and enable States to give effect to the commitments and obligations they had entered into under international human rights instruments. Nevertheless, it was important to ensure that the Conference did not dissociate human rights from the right to development, because political and social tensions were more often than not the product of poverty, illiteracy and overpopulation. It would therefore be sensible to address the most pressing humanitarian problems with moderation and in a spirit of impartiality and equity, to be reflected in the final document of the Conference; that document should serve as the main reference tool for the international community where human rights were concerned.

(Mrs. Al-Hamami, Yemen)

22. In that regard, Yemen set great store by the work of the fourth session of the Preparatory Committee for the Conference and of the regional meetings, during which efforts had been made to resolve the fundamental problems raised by certain delegations, which had invoked the principles and ideas contained in the Charter and in the two International Covenants on Human Rights. In addition, she hoped that the Conference would lead to constructive results which would form part of a new humanitarian order based on democracy and respect for human rights and fundamental freedoms.

23. Yemen believed that the process of democratization, which was designed to strengthen freedoms and to enable every person to participate fully and with complete fairness in a country's political, economic and social activities, must include the holding of elections, which constituted the fundamental characteristic of a democracy. In that belief, a unified Yemeni State had been created with a political order based on democracy, a multi-party system and the safeguarding of human rights. Those changes had had a considerable impact on the lives of the people of Yemen to whom the Constitution now guaranteed free participation in political life, irrespective of their convictions. Furthermore, there were currently 73 political parties in Yemen, approximately 150 daily and weekly newspapers and an elected house of representatives, which had the task of formulating legislation and could, where necessary, hold its members publicly accountable, since its debates were broadcast on national television.

24. Convinced of the need to organize direct elections to strengthen democracy and wishing to honour the undertakings which it had given in that regard and to carry the associated constitutional and administrative measures through to their conclusion, the Yemeni Government had decided, in implementation of a decision by the Electoral Commission and following intensive consultations with the country's various political parties and social groups, to organize free, fair and democratic elections in 1993. Those elections, which were being carefully prepared by the Electoral Commission, would usher in the first elected parliament of the unified State of Yemen.

25. Finally, noting that the issue of human rights had made considerable progress in many regions of the world, her delegation urged the international community to support the legitimate claims of the Palestinian and South African peoples, who were the victims, respectively, of foreign occupation and of the apartheid regime, and to provide humanitarian assistance and strengthened support for the stricken peoples of Somalia and Bosnia and Herzegovina.

26. TRINH XUAN LANG (Viet Nam) said that, after 30 years of devastating wars, Viet Nam had regained its independence and freedom, the fundamental rights for any nation and its citizens. The enjoyment of human rights and fundamental freedoms could not be assured while a country remained under foreign domination, racked by wars and conflicts or the victim of poverty and underdevelopment. Before they could exercise their fundamental freedoms and

(Trinh Xuan Lang, Viet Nam)

rights, citizens must first be able to satisfy their basic needs, such as food, shelter, health care and education. For that reason, Viet Nam had undertaken to rebuild the country and to restructure its society with a view to eliminating poverty and raising the standard of living of its people. Its economic reforms were accompanied by political reforms designed to promote respect for human rights, to extend the fundamental freedoms of citizens in all areas, to restructure the political system and to build a State governed by democratic principles.

27. The new Constitution promulgated in April 1992 established the right of citizens to freedom and covered human rights in all their aspects, political, civil, economic, cultural and social, as well as the obligations of citizens towards the State and society. Together with the other legal instruments in force, in particular, the Penal Code, the Penal Procedure Code, legislation on the family, nationality, the judicial system, health, trade unions, child protection and education, the 1992 Constitution had created a legal and institutional system capable of guaranteeing the protection of, and respect for, fundamental freedoms and rights of citizens, in accordance with the provisions of the International Covenants on Human Rights and other relevant international instruments to which Viet Nam was a party.

28. His delegation believed that every nation had the right freely to choose its own social and political system based on the principles of independence and national sovereignty, self-determination and non-interference in the internal affairs of other States, to choose its own way of development and to resolve its problems in accordance with its own situation. In addition, the different historical contexts and social and cultural traditions of each country meant that perceptions of democracy and human rights also differed. As a result, countries should endeavour to understand one another and seek common ground, rather than attempting arbitrarily to impose their own perceptions and ideas, or even their own models. In that context, his delegation fully supported the view expressed in the final document of the Tenth Summit Conference of the Movement of Non-Aligned Countries held at Jakarta in September 1992, to the effect that the promotion of human rights should be based on the principles of non-selectivity, objectivity and impartiality. Any attempt to exploit human rights issues for political ends must be resisted.

29. The Commission on Human Rights and the General Assembly had both recognized that the right to development was an integral part of fundamental human rights. The Declaration on the Right to Development adopted by the General Assembly at its forty-first session (resolution 41/128), affirmed that it was an inalienable human right. His delegation believed that the United Nations should give priority to that right, which was of prime importance to the people of developing countries. It invited the Secretary-General to undertake multifaceted and practical measures to ensure the effective implementation of the Declaration.

(Trinh Xuan Lang, Viet Nam)

30. Viet Nam attached great importance to the World Conference on Human Rights to be held in 1993, which would provide an opportunity to review and assess the progress made by the United Nations and the international community since the adoption of the Universal Declaration of Human Rights, and to identify obstacles to its implementation. The Conference should give priority to implementation of the right to development, the relationship between development and the effective enjoyment of human rights, and the creation of international conditions for their enjoyment. It should also examine ways to improve the implementation of human rights standards and instruments and make concrete recommendations for improving the effectiveness of United Nations activities and mechanisms and providing the necessary resources. Viet Nam was committed to making an active contribution to the regional preparatory meeting for Asia and the Pacific to be held in the near future.

31. Mr. MUSUKA (Zambia), speaking on agenda item 97 (b), said that since the end of the cold war, the question of human rights had assumed increased importance. As the ideological divide had been removed, constructive discussion of those issues should be possible, based on the principles of objectivity, non-selectivity and impartiality, in order to promote respect for human rights as enshrined in the Charter.

32. The United Nations clearly had a central role to play, and its work in standard setting was commendable. As the mandate of the Centre for Human Rights had expanded over the years, it was only logical that the Centre should receive sufficient human, material and financial resources to enable it to conduct its activities. United Nations efforts should, however, be complemented by national efforts, and Governments should not only pass the required legislation on human rights, but should take deliberate measures to translate such legislation into action.

33. During the current era of democratization, that process should be accompanied by sustained efforts to ensure economic growth and development. Only when poverty was reduced and people were able to satisfy their basic needs would they be able to appreciate democracy.

34. The new Government of Zambia had come to power 12 months earlier, and it was determined to make democracy succeed in that country. It had received generous support from many countries, some of which had decided to write off some of its debts.

35. His delegation attached great importance to the World Conference on Human Rights in 1993, the first on that subject to be held in the post-cold war era, and to the entire preparatory process. The Conference would have the task of charting a global agenda on human rights for the 1990s and beyond and, in so doing, it should build on achievements in human rights standards since the International Conference on Human Rights held in 1968 in Teheran. Transparency must be assured both in the preparatory process and at the Conference itself. Draft resolution A/C.3/47/L.18 contained a proposed agenda

(Mr. Musuka, Zambia)

for the World Conference which was, in some measure, the lowest common denominator, based on General Assembly resolution 45/155. His delegation had participated in the preparatory meetings that had taken place thus far, and would prefer an agenda reflecting specific regional perspectives arising from regional preparatory meetings for the World Conference. Nevertheless, his delegation would not stand in the way of a compromise agenda on which Member States had reached consensus.

36. The preparatory meeting for the World Conference for the African region had been held from 2 to 6 November 1992 in Tunis. His delegation supported the Tunis Declaration adopted at that meeting.

37. The eradication of racism, racial discrimination and apartheid should continue to be given priority. That task was made even more urgent by the rising tide of racism and xenophobia and by the fact that apartheid continued to be the root cause of human rights violations in South Africa. That situation had been examined in detail in the preliminary report on the situation of human rights in South Africa prepared by the Ad Hoc Working Group of Experts on Southern Africa of the Commission on Human Rights (A/47/676). His delegation fully supported the recommendation in that report that the General Assembly should ensure that the issue of the complete abolition of apartheid was incorporated into the agenda for the World Conference. It also wished to reaffirm the fundamental right to self-determination as well as the rights of peoples under foreign occupation, particularly the peoples of the occupied Arab territories.

38. The various categories of human rights must be promoted because they were indivisible and interdependent; particular emphasis should be placed on the right to development. Efforts to promote the realization of the right to development should, therefore, be intensified and an appropriate mechanism should be elaborated to that end. A supportive international economic system was necessary in order to facilitate the implementation of the Declaration on the Right to Development so that international solidarity would be intensified, development assistance increased and the serious debt problem settled.

39. Mr. WISNUMURTI (Indonesia) said that the end of the cold war and the increasing role of the United Nations in the settlement of political disputes and socio-economic problems had created a favourable climate for the greater respect for human rights and fundamental freedoms. The international community should proceed on the basis of cooperation, and should reject any attempt to exploit human rights issues for political ends or for any purpose other than that of promoting universal respect for such rights.

40. It must be recognized that fundamental rights covered all rights, whether civil, political, economic, social or cultural. Countries that had attained a high degree of socio-economic security and stability gave greater attention to civil and political rights and to the protection of the rights of the

(Mr. Wisnumurti, Indonesia)

individual; developing countries, on the other hand, must first ensure that their basic economic needs were met in order to provide the stability which would allow them to promote and protect human rights. In that regard, the General Assembly, in its resolution 41/128, had proclaimed that the right to development was an inalienable human right and that all human rights and fundamental freedoms were indivisible and interdependent. Likewise, the Commission on Human Rights, in its resolution 1992/11, had reaffirmed that extreme poverty and exclusion from society constituted a violation of human dignity. Therefore, it was imperative that multilateral support should be offered to the social and economic development programmes of developing countries.

41. The universal validity of basic rights and freedoms had been reaffirmed in the Jakarta Message, adopted at the Tenth Conference of Heads of State or Government of the Movement of Non-Aligned Countries, which had also called for a balanced relationship between individual and community rights, underscored the fundamental nature of the right to a standard of living adequate for health and well-being, especially for children, and reiterated the moral duty of the international community in that respect. The Final Document of the meeting confirmed that, although the non-aligned countries remained committed to promoting and protecting human rights and fundamental freedoms as well as to their obligations under the relevant universal instruments, they nevertheless refused to allow respect for economic, social and cultural rights, to be made a condition for the provision of socio-economic assistance, as that would undermine the relevance of those rights.

42. The Movement of Non-Aligned Countries had welcomed the efforts of the developing countries to set up democratic institutions and to institute political and economic reforms; it had also recalled the right of all nations freely to establish their own political and economic systems on the basis of respect for national sovereignty, self-determination and non-interference in the internal affairs of other countries. In that connection, the participants at the summit had called for full respect for the sovereignty, independence and territorial integrity of Bosnia and Herzegovina. They had demanded the immediate cessation of hostilities, the speedy withdrawal of all external forces from the territory and had called upon all parties to cooperate fully with the United Nations peace-keeping forces, whose deployment they had called for. They had also condemned the grave and massive violations of human rights as well as ethnic cleansing, which was not so much the consequence as the true objective of that war, as the Secretary-General's note (A/47/635) made clear.

43. He drew attention to document A/47/479, which provided a brief summary of action taken by the Commission on Human Rights with regard to observance of the principles of national sovereignty and non-interference in the internal affairs of States in their electoral processes. Turning to document A/47/668, he also noted that, while Governments were primarily responsible for implementing the democratic process, the United Nations was none the less increasingly called upon to provide assistance in the organization and conduct

(Mr. Wisnumurti, Indonesia)

of elections. However, some countries with considerable experience of conducting elections lacked the financial resources to participate in electoral assistance, and means should be found to facilitate their contribution. Indonesia had taken part in the United Nations Conference on Coordination of Assistance in the Electoral Field, held at Ottawa in October 1992, and would continue to play an active role in that area.

44. His delegation commended the efforts of the Centre for Human Rights to organize seminars, training courses and workshops in the Asia and Pacific region over the previous decade (A/47/502). Indonesia had thus been able to organize its own national workshop on human rights in January 1991 at Jakarta. His delegation took note of the measures adopted to strengthen the Centre in order to enable it to carry out all its assigned tasks successfully and in a timely manner (A/47/702).

45. With regard to the World Public Information Campaign on Human Rights (A/47/503), his delegation considered that the United Nations information and education programme was an important initiative that would promote awareness which was essential for the universal implementation of human rights standards.

46. The Non-Aligned Countries would continue to coordinate their positions and to participate in the preparatory process for the World Conference on Human Rights by holding regional meetings in Africa, Latin America and Asia so that all aspects of human rights would be addressed on the basis of universality, impartiality and non-selectivity. For its part, Indonesia was confident that the Conference would reflect the international community's desire to encourage, secure and protect universally accepted standards of behaviour.

47. Mr. VORONTSOV (Russian Federation) said that the decision to request the inclusion of an item concerning the situation of human rights in Latvia and Estonia in the agenda of the forty-seventh session of the General Assembly had not been an easy one for the Russian Federation, whose leaders had recognized the independence of the three Baltic Republics one year previously, even before the collapse of the Soviet Union, in the hope of seeing a genuinely democratic regime established that would guarantee respect for the human rights of the whole population, including Russian speakers.

48. Unfortunately, that hope had only been partly fulfilled. Contrary to the practice followed in Lithuania, nationality in Latvia and Estonia was granted only to the indigenous population, with serious implications for human rights. Thus, hundreds of thousands of Russian speakers and nationals of the other republics of the former USSR, most of whom had been living for decades in those countries and had welcomed their independence, could not now obtain citizenship there, even by naturalization.

49. One might ask what they were "guilty" of, if such a term was applicable. Were they guilty of having arrived after the Second World War to revitalize

(Mr. Vorontsov, Russian Federation)

the economy of ruined countries? Or were they guilty of having come, bound by their oath, to work in military facilities?

50. In fact, if several thousand individuals had come from all parts of the former Soviet Union, they had done so to build factories and bridges, roads and new towns, and - to put it simply - to live. Likewise, the new generations did not intend to remain idle, but to be of use to their new countries: independent Latvia and Estonia.

51. Yet, the non-indigenous populations were currently being denied true citizenship on the grounds that the vast majority of their parents had not lived in those countries prior to 1940, and the acquisition of nationality by naturalization was hindered by hurdles that were hard to overcome, such as the need to provide proof of long-term residence or the need, even for the elderly, to take an examination in the Latvian or Estonian language. Some categories of Russian speakers, i.e. retired members of the army or former Communist Party officials, were even denied that possibility altogether.

52. The situation of other "non-nationals" was slightly better. However, the term non-national was used officially in the legislation of the Republic of Estonia, for example. Furthermore, the serious economic crisis currently experienced by the Baltic States affected first of all the interests of non-indigenous workers, who were the first to experience unemployment. In Estonia, their loss of livelihood not only deprived Russian speakers of the possibility of obtaining citizenship, it also condemned them to poverty.

53. For the non-native populations of Latvia and Estonia, then, obtaining citizenship was not an end in itself but practically the only way of guaranteeing their economic, social, civil and political rights. In addition, Russian-speakers, who accounted for approximately 40 per cent of the population of Estonia, were not entitled under the terms of the current Constitution to vote or to stand for election to the highest offices, or even to take part in referendums such as the recent Presidential election. Lacking representation, they had no way of legally protecting their interests, particularly as non-nationals were prohibited from forming their own political parties.

54. Apparently, the real goal of Latvia and Estonia was to establish States composed of a single ethnic group by creating conditions which would oblige the non-native population to leave "voluntarily". Hundreds of thousands of Russian speakers now had no other choice but to yield to the pressure and leave the country, or else resign themsleves to the status of non-nationals, deprived of most, if not all, of their rights while waiting to be deemed "worthy" of obtaining Latvian or Estonian citizenship.

55. In his delegation's view, that was not a constructive alternative. So long as the efforts to drive "foreigners" from the Baltic States were pursued in an ostensibly civilized manner, they would encounter no obstacles, but what

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guarantee was there that such measures would not exhaust the patience of those now being obliged politely, but firmly, to leave? In addition, what hope was there that the Russian-speaking populations would be willing to be second-class citizens in the countries which, even if conditions there had ceased to be comfortable, remained their home?

56. Events might well take a tragic turn, unless preventive measures were taken as a matter of urgency. Accordingly, his Government had suggested to Latvia and Estonia that the problem should be settled through negotiations; however, the numerous discussions held to date had failed to improve the situation.

57. Non-governmental human rights organizations were also concerned at the fate of the Russian-speaking populations in Latvia and Estonia. Helsinki Watch and the Lawyers' Committee for International Human Rights, which in the recent past had severely and justifiably criticized the former Soviet Union, had analysed the situation in detail and had identified numerous cases where the two countries' laws failed to comply with internationally recognized standards.

58. According to the report of the Lawyers' Committee, Latvia's citizenship bill constituted a serious infringement of human rights. The grounds for the prerequisite of 16 years' permanent residence had been severely criticized by many human rights organizations and by the Commission of the European Communities, while the obstacles to obtaining citizenship violated articles 19, 20 and 22 of the International Covenant on Civil and Political Rights, to which Lativia had become a party in 1992. Furthermore, non-nationals were excluded not only from participation in elections, but also from the privatization process. The report concluded that Latvia was endeavouring to address a long-standing inequality by treating with still greater inequality those who were in no way responsible for the past.

59. The President of the European Parliament, who could not be accused of bias, had spoken of the shock felt by representatives of that body on learning during a visit to Estonia that a large part of the population, which had enjoyed civil rights even under the Stalinist regime, was now virtually deprived of such rights in what had become a sovereign country aspiring to be a democracy.

60. Estonia's Citizenship Act was also discriminatory. The apparently liberal provisions on permanent residence (two years as of 30 March 1990 plus one year following the citizenship application) actually excluded tens of thousands of people from the political life of the State and society at a critical stage in the construction of the country. Non-nationals could not fully enjoy their economic rights, while the right to acquire land as private property, operate a business, or form a trade union or commercial company was limited.

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61. Nor, could they serve as government or local officials or take part freely in elections at the workplace. Together with the currency reform, all the above measures served only to increase unemployment among the Russian-speaking population. The division of society into "citizens" and "non-citizens", under existing legislation cast doubt on the country's ability to develop a representative democracy, particularly as other laws on political rights and rights relating to property, education and employment had been adopted on the basis of the citizenship laws.

62. Furthermore, the failure to provide a transitional period in which the non-native population could learn the national language was a violation of the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Employment Policy Convention, the Convention concerning Discrimination in Respect of Employment and Occupation and the Declaration on Social Progress and Development.

63. All those factors showed how important it was to take measures at both the bilateral and multilateral levels, particularly as recent events had clearly demonstrated the serious consequences that could arise from failure to pay sufficient attention to questions such as discrimination against minorities.

64. Thus his country had been compelled to appeal to the international community as a whole to act. The Latvian Government had agreed to receive a mission of United Nations experts, whose conclusions might not resolve the problem but would help to publicize the situation at a time when Latvian human rights legislation was at a crucial stage in its development. For its part, Estonia had eventually agreed to admit observers from the Conference on Security and Cooperation in Europe (CSCE) after twice refusing to do so. It was important that United Nations experts should also visit Estonia.

65. However, the Baltic leaders were aware of the situation, as was clear from the letter of 13 November 1992 addressed to Mr. Boris Yeltsin by the President of Estonia, which stressed that the question of the Russian-speaking population should not serve to divide the two countries, but in fact enable them to maintain relations of good neighbourliness. The Estonian Parliament was currently examining a bill under which certain categories of the Russian-speaking population might benefit from a simplified procedure for obtaining citizenship.

66. The Russian Federation believed, however, that the international community should not disregard what was happening in the current critical period. It was not calling on the United Nations to take sides, but it believed that the international community should take a careful and "preventive" look at the human rights situation in the region so as to prevent discrimination against a significant part of the population from creating new hotbeds of tension and conflict. The President of the Russian Federation had therefore called on the United Nations to take measures to encourage the

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Baltic States to fulfil their obligations under bilateral and international agreements in the field of human rights and fundamental freedoms. The Russian Federation hoped that as a result Member States would better understand the need to undertake common efforts while there was still time so as to avoid the emergence of new interethnic problems.

67. Both developed countries, including the neighbouring Baltic countries, and developing countries, had experience of constructive cooperation between different nationalities within the same State; that was all the more valuable in that it could help resolve similar problems in other countries. The Russian Federation sincerely hoped that the experience acquired in that field by the United Nations would make it possible to steer the human rights situation in Latvia and Estonia towards mutual respect for national interests and fruitful cooperation among their populations.

68. Ms. DAMUSIS (Lithuania), speaking on items 97 (b) and (c), said that Amnesty International had rightly referred to 1992 as a "year of trial and triumph", since it had been marked by civil war and starvation in Somalia and ethnic hatred and violence in former Yugoslavia, but those situations should not obscure the triumph in recent years of the actual concept of human rights. As people the world over sought to enjoy the fundamental freedoms embodied in the Universal Declaration of Human Rights, and as more and more Governments took concrete steps not only to promote but also to protect human rights, the universality of human rights was becoming a dynamic reality.

69. Lithuania had taken several practical measures to establish the rule of law. A new constitution, passed by referendum on 25 October 1992, guaranteed the individual rights set forth in the International Bill of Human Rights (freedom of thought, conscience and religion, freedom of association and freedom to take part in government, directly or indirectly). The Constitution recognized that all were free and equal in dignity and rights, and that no one should be subjected to arbitrary arrest, detention or exile or to arbitrary interference in his privacy, family, home or correspondence. The 1989 Law on National Minorities was inspired by the provisions of article 27 of the International Covenant on Civil and Political Rights. It enumerated the individual and collective rights of persons belonging to national or ethnic, religious and linguistic minorities and guaranteed equal political, economic and social rights to all citizens regardless of nationality. Minorities had the right to participate in cultural, religious, social and economic public life, as well as in decision-making on matters that concerned them, at the national and regional levels. A percentage of seats was reserved for minority groups so that groups which had received more than 1 per cent of the vote had been able to gain any of the 70 out of 141 seats allocated proportionally by party.

70. In accordance with article 2 of the draft declaration on the rights of persons belonging to national or ethnic, religious and linguistic minorities, the Lithuanian national minority law stipulated that persons belonging to

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minorities had the right to enjoy their own culture, to profess and practice their own religion and to use their own language, in private and in public, freely and without interference or any form of discrimination. Lithuanian law represented an advance on the provisions of the International Covenant in that it specifically guaranteed national minorities the right to receive State support for the development of their culture and education. Whereas the Soviet Union, under the policy of Russification in occupied Lithuania, had banned minority schools, newspapers, museums and places of worship, her Government was now implementing a policy of assistance to minorities that were seeking to rebuild all that had been lost or destroyed over the past 50 years. In 1988, for example, there had been no Polish preschools in Lithuania, while there were now 164. The language law of 1989 requiring that the highest agencies of the State, local councils and social organizations should use Lithuanian as the official language of communication would come into effect in 1995, but communities where the majority of the population used another language were exempted from that law.

71. Lithuania believed that only a strong bond between market and democracy and a close linkage between human rights, democracy and development could ensure the success of its own transition and of the new world order, and that development focused firmly on the individual was essential for the advancement of democratic ideals and institutions.

72. Lithuania urged the 1993 World Conference on Human Rights to take note of the difficulties posed by democratic transition as newly independent States struggled to overcome the legacy of totalitarianism without threatening the development of democratic institutions or the protection of human rights. It believed that the Centre for Human Rights should be strengthened, as the demands for its advisory services increased. Since the public needed to be better informed about human rights issues, Lithuania hoped that the Centre would increase its training and technical assistance programmes for Lithuanian experts in the field; several human rights instruments had been published in the Lithuanian language, and 44 other international legal instruments were being translated into Lithuanian.

73. Lithuania welcomed the involvement of impartial human rights experts in the preventive diplomacy programme, and commended the Latvian and Estonian requests for fact-finding missions from the United Nations and CSCE to evaluate their human rights situations. The Secretary-General had released to Latvia a summary of the report submitted by the Director of the Centre for Human Rights following his fact-finding mission to Latvia from 27 to 30 October 1992 to investigate alleged discriminatory practices against minorities. The Director's conclusions and recommendations did not reveal gross violations of human rights and fundamental freedoms as charged by the Russian Federation. That very day, 1 December, the Prime Minister of Estonia had requested the United Nations to send a fact-finding mission to his country. Such missions could set the record straight with respect to generalized accusations, whether they were politically motivated or based on

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faulty information, and could therefore play an important role in preventive diplomacy and conflict resolution where massive human rights violations actually occurred.

74. Lithuania looked forward to implementing its short and long-term human rights objectives in partnership with United Nations mechanisms and the Member States of the United Nations.

75. Mr. Dékány (Hungary), Vice-Chairman, took the Chair.

76. Mr. PEREIRA (Cape Verde) said that respect for and promotion of human rights was one of the fundamental objectives of Cape Verde's foreign policy; it was incumbent on all Governments to implement fully the norms and instruments adopted by the United Nations on the subject.

77. His delegation deplored the fact that, despite progress achieved since the adoption of the Universal Declaration of Human Rights, major violations such as torture, ethnic cleansing and arbitrary arrest were still being practised in many countries, as was evidenced by the reports of the Commission on Human Rights and of non-governmental organizations such as Amnesty International.

78. The upsurge of violence against minorities and migrant workers in certain European countries was of major concern to his country, many of whose population were living and working abroad. The Governments of the countries concerned should be more forceful in implementing policies and measures designed to combat such violence. The United Nations, and, in particular, the Third Committee should play a more active role in that context.

79. The World Conference on Human Rights and the celebration of the International Year of the World's Indigenous Peoples would be major events in the year 1993. His delegation hoped that the Conference would constitute a landmark in fostering the cause of human rights and overcoming ideological, geographical and political barriers. In conclusion, he commended the Moroccan delegation chairing the Preparatory Committee for the Conference for proposing an agenda based on the principles and objectives set forth in General Assembly resolution 45/155.

80. Mr. Krenkel (Austria) resumed the Chair.

RIGHTS OF REPLY

81. Mr. BURCUOGLU (Turkey), replying to the statement made by the Deputy Permanent Representative of the United Kingdom on behalf of the European Community and its member States on 24 November 1992, said that he wished to elucidate several points. As a democratic country, Turkey considered that the encouragement of respect of human rights was a subject of legitimate interest for the international community and consequently took constructive criticism

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proffered in good faith very seriously. Despite the considerable advances it had accomplished, Turkey was aware of its shortcomings and was making resolute and sustained efforts to overcome them. It was continually revising its laws and practices so as to prevent violations, eliminate abuses and guarantee the greatest measure of enjoyment of human rights to all. Amendments to the code of criminal procedure designed to ensure democratization and transparency of institutions had been adopted by Parliament on 18 November 1992 and had entered into force on 30 November.

82. The United Kingdom representative had criticized 39 countries, including Turkey, and in connection with that country had referred to observations of the Committee against Torture and to the situation in Turkish police stations. Turkey was a party to all European instruments and monitoring mechanisms designed to protect human rights, and in particular to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which had only 70 States parties. Two of the member States of the European Community were not parties to the Convention. Of those 70 States parties, only 28 had made declarations under articles 21 and 22 of the Convention relating, respectively, to claims brought by States against other States and to complaints by individuals. Of the ten member States of the European Community which were parties to the Convention, one had not made any declaration and the other had only made a declaration under article 21. Turkey, which numbered among the 28 States having made declarations under both articles, deserved to be encouraged and commended rather than blamed. Turkey was steadily progressing towards the elimination of the odious practice of torture, which its laws categorically condemned. It therefore considered the European Community's criticisms as misplaced and invalid.

83. In the field of human rights, perfection was not to be found in any country and violations were liable to occur anywhere. Because of that reality, all criticism had to be accompanied by self-criticism, as the United States representative had aptly remarked in his statement on 24 November. Those who took it upon themselves to hand out bad marks to 39 countries should also have the courage to be critical of themselves, if only for the sake of sincerity, good faith, intellectual honesty and credibility, quite apart from the fact that such self-criticism on the part of the Twelve would be more than justified.

84. At the forty-fourth session of the Subcommission on Prevention of Discrimination and Protection of Minorities, held at Geneva on 3 to 28 August 1992, a member State of the European Community had been named under the confidential procedure for communications relating to human rights violations, known as the 1503 procedure. That State member of the Community had therefore been placed under United Nations supervision. It would seem that Community solidarity and discriminatory and selective tradition did not allow the Presidency of the Community to criticize one of its own.

85. Turkey, a country where pluralist democracy was in operation with all its institutions, where the political will of the people was freely expressed, a

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country that was advancing the field of human rights, that was resolved to continue on that course and that served as an example to many others, did not deserve such accusations. What mattered first and foremost in human rights was to encourage and strengthen democracy; pluralist democracy, together with the principle of free, fair and periodic elections, was the best guarantee of respect of human rights as well as the framework most propitious to their implementation.

86. In conclusion, he appealed to the member States of the European Community which were not a party to the United Nations Convention against Torture to ratify it and to those which had not made declarations under articles 21 and 22 of the Convention to do so.

87. Mr. MOHAMMED HUSSIN (Iraq) regretted that Finland had deemed it appropriate to accuse his country of oppressing Shiites without really knowing much about the situation within Iraqi society, thus supporting the political campaigns being waged against his country. It was obvious at a glance that all the allegations made were false and that there was no discrimination whatever between Shiites, Sunnites or Christians in terms of social relations or at the State level.

88. Anyone acquainted with the Iraqi delegation knew that it was made up of individuals who came from all parts of the country and belonged to different religions and groupings. If certain States were so exercised by the fate of the Shiites, why had they not reacted when Israel had attacked South Lebanon? Might it be that the area was of no strategic or vital interest to them? What they wanted was to divide Iraq in order to gain control over its oil resources and then to apply the same method to other countries of the region.

89. As to the proposal to set up a supervisory body, it was a weapon directed against Iraq, which, if accepted as a result of political pressure exercised by certain States, would establish a precedent that could be invoked selectively against other Third World countries. Similar methods had been applied to other developing countries, human rights being used as a pretext to achieve political ends which had nothing to do with love of mankind.

90. All attempts to undermine the sovereignty of States had to be opposed, and each country had to discharge its responsibility of protecting its population, its society and its values.

91. The CHAIRMAN announced that the Committee would hold a meeting on the morning of 9 December (informal meeting followed by an official meeting) to consider the programme of work of the Committee and to hear the results of the collection of funds organized by the Third Committee. The cheque would be handed to the officials responsible for Somalia and for disabled persons.

The meeting rose at 5.25 p.m.